

## 34 U.S. Code § 11133. State plans

U.S. Code      Notes

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**(a) REQUIREMENTS** In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, projects, and activities. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on the State's publicly available website. In accordance with regulations which the Administrator shall prescribe, such plan shall—

**(1)** designate the State agency as designated by the chief executive officer of the State as the sole agency for supervising the preparation and administration of the plan;

**(2)** contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

**(3)** provide for an advisory group that—

**(A)** shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State—

**(i)** which members have training, experience, or special knowledge concerning adolescent development, the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency;

**(ii)** which members include—

**(I)** at least 1 locally elected official representing general purpose local government;

**(II)** representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

**(III)** representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities, recreation, and youth services;

**(IV)** representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

**(V)** volunteers who work with delinquent youth or youth at risk of delinquency;

**(VI)** representatives of programs that are alternatives to incarceration, including programs providing organized recreation activities;

**(VII)** persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion;

**(VIII)** persons, licensed or certified by the applicable State, with expertise and competence in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency;

**(IX)** representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and

**(X)** for a State in which one or more Indian Tribes are located, an Indian tribal representative (if such representative is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities;

**(iii)** a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

**(iv)** at least one-fifth of which members shall be under the age of 28 at the time of initial appointment; and

**(v)** at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system;

**(B)** shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

**(C)** shall be afforded the opportunity to review and comment, not later than 45 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

**(D)** shall, consistent with this subchapter—

**(i)** advise the State agency designated under paragraph (1) and its supervisory board;

**(ii)** submit to the chief executive officer and the legislature of the State at least every 2 years a report and necessary

recommendations regarding State compliance with the core requirements; and

**(iii)** contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

**(E)** may, consistent with this subchapter—

**(i)** advise on State supervisory board and local criminal justice advisory board composition; and

**(ii)** review progress and accomplishments of projects funded under the State plan;

**(4)** provide for the active consultation with and participation of units of local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

**(5)** unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 11132 of this title reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding funds made available to the State advisory group under section 11132(d) of this title, shall be expended—

**(A)** through programs of units of local government or combinations thereof, to the extent such programs are consistent with the State plan;

**(B)** through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and

**(C)** to provide funds for programs of Indian Tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age,<sup>[1]</sup>

**(6)** provide for an equitable distribution of the assistance received under section 11132 of this title within the State, including in rural areas;

**(7)**

**(A)** provide for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State (including any geographical area in which an Indian tribe has jurisdiction), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State; and

**(B)** contain—

**(i)** an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services;

**(ii)** a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

**(iii)** a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas;

**(iv)** a plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health,

substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

**(v)** a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;

**(vi)** a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement;

**(vii)** a plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system;

**(viii)** a plan to promote evidence-based and trauma-informed programs and practices; and

**(ix)** not later than 1 year after December 21, 2018, a plan which shall be implemented not later than 2 years after December 21, 2018, to—

**(I)** eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; and

**(II)** eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless—

**(aa)** credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or

**(bb)** reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method;

**(8)** provide for the coordination and maximum utilization of evidence-based and promising juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

**(9)** provide that not less than 75 percent of the funds available to the State under section 11132 of this title, other than funds made available to the State advisory group under section 11132(d) of this title, whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for, with priority in funding given to entities meeting the criteria for evidence-based or promising programs—

**(A)** community-based alternatives (including home-based alternatives) to incarceration and institutionalization including—

**(i)** for status offenders and other youth who need temporary placement: crisis intervention, shelter, and after-care;

**(ii)** for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services; and

**(iii)** for youth who need specialized intensive and comprehensive services that address the unique issues encountered by youth when they become involved with gangs;

**(B)** community-based programs and services to work with—

**(i)** status offenders, other youth, and the parents and other family members of such offenders and youth to strengthen families, including parent self-help groups, so that juveniles may remain in their homes;

**(ii)** juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and

**(iii)** parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;

**(C)** comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

**(D)** programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

**(E)** educational programs or supportive services for at-risk or delinquent youth or other juveniles—

**(i)** to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including for truancy prevention and reduction;

**(ii)** to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and

**(iii)** enhance<sup>[2]</sup> coordination with the local schools that such juveniles would otherwise attend, to ensure that—

**(I)** the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

**(II)** information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

**(F)** programs to expand the use of probation officers—

**(i)** particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

**(ii)** to ensure that juveniles follow the terms of their probation;

**(G)** programs—

**(i)** to ensure youth have access to appropriate legal representation; and

**(ii)** to expand access to publicly supported, court-appointed legal counsel who are trained to represent juveniles in adjudication proceedings,

except that the State may not use more than 2 percent of the funds received under section 11132 of this title for these purposes;

**(H)** counseling, training, and mentoring programs, which may be in support of academic tutoring, vocational and technical training, and drug and violence prevention counseling, that are designed to link at-risk juveniles, juvenile offenders, or juveniles who have a parent or legal guardian who is or was incarcerated in a Federal, State, tribal, or local correctional facility or who is otherwise under the jurisdiction of a Federal, State, tribal, or local criminal justice system, particularly juveniles residing in low-income and high-crime areas and juveniles experiencing educational failure, with responsible individuals (such as law enforcement officials, Department of Defense personnel, individuals working with local businesses, and individuals working with community-based and faith-based organizations and agencies) who are properly screened and trained;

**(I)** programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

**(J)** projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

**(K)** programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

**(L)** programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

- (i) a sense of safety and structure;
- (ii) a sense of belonging and membership;
- (iii) a sense of self-worth and social contribution;
- (iv) a sense of independence and control over one's life; and
- (v) a sense of closeness in interpersonal relationships;

**(M)** programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

(i) encourage courts to develop and implement a continuum of pre-adjudication and post-adjudication alternatives that bridge the gap between traditional probation and confinement in a correctional setting (including specialized or problem-solving courts, expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

(ii) assist in the provision of information and technical assistance, including technology transfer, in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

**(N)** community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families and reduce the risk of recidivism;

**(O)** programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of such juveniles and the preservation of their families;

**(P)** programs designed to prevent and to reduce hate crimes committed by juveniles;

**(Q)** after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

**(R)** community-based programs that provide follow-up post-placement services to adjudicated juveniles, to promote successful reintegration into the community;

**(S)** projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system;

**(T)** programs designed to provide mental health or co-occurring disorder services for court-involved or incarcerated juveniles in need of such services, including assessment, development of individualized treatment plans, provision of treatment, and development of discharge plans;

**(U)** programs and projects designed—

**(i)** to inform juveniles of the opportunity and process for sealing and expunging juvenile records; and

**(ii)** to assist juveniles in pursuing juvenile record sealing and expungements for both adjudications and arrests not followed by adjudications;

except that the State may not use more than 2 percent of the funds received under section 11132 of this title for these purposes;

**(V)** programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of an Indian Tribe; and

**(W)** monitoring for compliance with the core requirements and providing training and technical assistance on the core requirements to secure facilities;

**(10)** provide for the development of an adequate research, training, and evaluation capacity within the State;

**(11)**

**(A)** in accordance with rules issued by the Administrator, provide that a juvenile shall not be placed in a secure detention facility or a secure correctional facility, if—

**(i)** the juvenile is charged with or has committed an offense that would not be criminal if committed by an adult, excluding

—

**(I)** a juvenile who is charged with or has committed a violation of section 922(x)(2) of title 18 or of a similar State law;

**(II)** a juvenile who is charged with or has committed a violation of a valid court order issued and reviewed in accordance with paragraph (23); and

**(III)** a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State;  
or

**(ii)** the juvenile—

**(I)** is not charged with any offense; and

**(II)**

**(aa)** is an alien; or

**(bb)** is alleged to be dependent, neglected, or abused;  
and

**(B)** require that—

**(i)** not later than 3 years after December 21, 2018, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

**(I)** shall not have sight or sound contact with adult inmates; and

**(II)** except as provided in paragraph (13), may not be held in any jail or lockup for adults;

**(ii)** in determining under clause (i) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight or sound contact with adult inmates, a court shall consider—

**(I)** the age of the juvenile;

**(II)** the physical and mental maturity of the juvenile;

**(III)** the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

**(IV)** the nature and circumstances of the alleged offense;

**(V)** the juvenile's history of prior delinquent acts;

**(VI)** the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and

**(VII)** any other relevant factor; and

**(iii)** if a court determines under clause (i) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults—

**(I)** the court shall hold a hearing not less frequently than once every 30 days, or in the case of a rural jurisdiction, not less frequently than once every 45 days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight or sound contact; and

**(II)** the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than 180 days, unless the court, in

writing, determines there is good cause for an extension or the juvenile expressly waives this limitation;

**(12)** provide that—

**(A)** juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have sight or sound contact with adult inmates; and

**(B)** there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;

**(13)** provide that no juvenile will be detained or confined in any jail or lockup for adults except—

**(A)** juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours

—

**(i)** for processing or release;

**(ii)** while awaiting transfer to a juvenile facility; or

**(iii)** in which period such juveniles make a court appearance;

and only if such juveniles do not have sight or sound contact with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in collocated facilities have been trained and certified to work with juveniles;

**(B)** juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

**(i)** in which—

**(I)** such juveniles do not have sight or sound contact with adult inmates; and

**(II)** there is in effect in the State a policy that requires individuals who work with both such juveniles and adults inmates in collocated facilities have been trained and certified to work with juveniles; and

**(ii)** that—

**(I)** is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

**(II)** is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

**(III)** is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

**(14)** provide for an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the core requirements are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraphs (11) and (12), and which has enacted legislation which conforms to such requirements and which contains sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

**(15)** implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—

**(A)** establishing or designating existing coordinating bodies, composed of juvenile justice stakeholders, (including

representatives of the educational system) at the State, local, or tribal levels, to advise efforts by States, units of local government, and Indian Tribes to reduce racial and ethnic disparities;

**(B)** identifying and analyzing data on race and ethnicity at decision points in State, local, or tribal juvenile justice systems to determine which such points create racial and ethnic disparities among youth who come into contact with the juvenile justice system; and

**(C)** developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraph (B);

**(16)** provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, ethnicity, family income, and disability;

**(17)** provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

**(18)** provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

**(19)** provide assurances that—

**(A)** any assistance provided under this chapter will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

**(B)** activities assisted under this chapter will not impair an existing collective bargaining relationship, contract for services, or

collective bargaining agreement; and

**(C)** no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;

**(20)** provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this subchapter;

**(21)** provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, tribal, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, tribal, and other non-Federal funds;

**(22)** provide that the State agency designated under paragraph (1) will—

**(A)** to the extent practicable give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based;

**(B)** from time to time, but not less than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that it considers necessary; and

**(C)** not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the State agency;

**(23)** provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

**(A)** an appropriate public agency shall be promptly notified that such status offender is held in custody for violating such order;

**(B)** not later than 24 hours during which such status offender is so held, an authorized representative of such agency shall interview, in person, such status offender;

**(C)** not later than 48 hours during which such status offender is so held—

**(i)** such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such status offender;

**(ii)** such court shall conduct a hearing to determine—

**(I)** whether there is reasonable cause to believe that such status offender violated such order; and

**(II)** the appropriate placement of such status offender pending disposition of the violation alleged; and

**(iii)** if such court determines the status offender should be placed in a secure detention facility or correctional facility for violating such order—

**(I)** the court shall issue a written order that—

**(aa)** identifies the valid court order that has been violated;

**(bb)** specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;

**(cc)** includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;

**(dd)** specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and

**(ee)** may not be renewed or extended; and

**(II)** the court may not issue a second or subsequent order described in subclause (I) relating to a status offender unless the status offender violates a valid court order after the date on which the court issues an order described in subclause (I); and

**(D)** there are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter;

**(24)** provide an assurance that if the State receives under section 11132 of this title for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services;

**(25)** specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 11132 of this title (other than funds made available to the State advisory group under section 11132(d) of this title) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;

**(26)** provide that the State, to the maximum extent practicable, and in accordance with confidentiality concerns, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court, so as to provide for—

**(A)** data in child abuse or neglect reports relating to juveniles entering the juvenile justice system with a prior reported history of arrest, court intake, probation and parole, juvenile detention, and corrections; and

**(B)** a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of such victims of

child abuse or neglect;

**(27)** provide assurances that juvenile offenders whose placement is funded through section 672 of title 42 receive the protections specified in section 671 of title 42, including a case plan and case plan review as defined in section 675 of title 42;

**(28)** provide for the coordinated use of funds provided under this subchapter with other Federal and State funds directed at juvenile delinquency prevention and intervention programs;

**(29)** describe the policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques;

**(30)** describe—

**(A)** the evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who—

**(i)** request a screening;

**(ii)** show signs of needing a screening; or

**(iii)** are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and

**(B)** how the State will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment;

**(31)** describe how reentry planning by the State for juveniles will include—

**(A)** a written case plan based on an assessment of needs that includes—

**(i)** the pre-release and post-release plans for the juveniles;

**(ii)** the living arrangement to which the juveniles are to be discharged; and

(iii) any other plans developed for the juveniles based on an individualized assessment; and

(B) review processes;

(32) provide an assurance that the agency of the State receiving funds under this subchapter collaborates with the State educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that, in order to support educational progress—

(A) the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;

(B) the credits of adjudicated juveniles are transferred; and

(C) adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned; and

(33) describe policies and procedures to—

(A) screen for, identify, and document in records of the State the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and

(B) divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.

#### **(b) APPROVAL BY STATE AGENCY**

The State agency designated under subsection (a)(1), after receiving and considering the advice and recommendations of the advisory group referred to in subsection (a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

#### **(c) COMPLIANCE WITH STATUTORY REQUIREMENTS**

**(1)** If a State fails to comply with any of the core requirements in any fiscal year, then—

**(A)** subject to subparagraph (B), the amount allocated to such State under section 11132 of this title for the subsequent fiscal year shall be reduced by not less than 20 percent for each core requirement with respect to which the failure occurs; and

**(B)** the State shall be ineligible to receive any allocation under such section for such fiscal year unless—

**(i)** the State agrees to expend 50 percent of the amount allocated to the State for such fiscal year to achieve compliance with any such core requirement with respect to which the State is in noncompliance; or

**(ii)** the Administrator determines that the State—

**(I)** has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

**(II)** has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

**(2)** Of the total amount of funds not allocated for a fiscal year under paragraph (1)—

**(A)** 50 percent of the unallocated funds shall be reallocated under section 11132 of this title to States that have not failed to comply with the core requirements; and

**(B)** 50 percent of the unallocated funds shall be used by the Administrator to provide additional training and technical assistance to States for the purpose of promoting compliance with the core requirements.

**(d) NONSUBMISSION OR NONQUALIFICATION OF PLAN; EXPENDITURE OF ALLOTTED FUNDS; AVAILABILITY OF REALLOCATED FUNDS**

In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 10222 and 10223 of this title and 3785 of title 42 <sup>[3]</sup>, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allocation under the provisions of section 11132(a) of this title, excluding funds the Administrator shall make available to satisfy the requirement specified in section 11132(d) of this title, available to local public and private nonprofit agencies within such State for use in carrying out activities of the kinds described in the core requirements. The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis and to those States that have achieved full compliance with the core requirements.

**(e) ADMINISTRATIVE AND SUPERVISORY BOARD MEMBERSHIP REQUIREMENTS**

Notwithstanding any other provision of law, the Administrator shall establish appropriate administrative and supervisory board membership requirements for a State agency designated under subsection (a)(1) and permit the State advisory group appointed under subsection (a)(3) to operate as the supervisory board for such agency, at the discretion of the chief executive officer of the State.

**(f) TECHNICAL ASSISTANCE**

**(1) IN GENERAL**

The Administrator shall provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under subsection (a)(3) to assist such organization to carry out the functions specified in paragraph (2).

**(2) ASSISTANCE** To be eligible to receive such assistance, such organization shall agree to carry out activities that include—

**(A)** disseminating information, data, standards, advanced techniques, and program models;

**(B)** reviewing Federal policies regarding juvenile justice and delinquency prevention;

(C) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

(D) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.

**(g) COMPLIANCE DETERMINATION**

**(1) IN GENERAL**

For each fiscal year, the Administrator shall make a determination regarding whether each State receiving a grant under this subchapter is in compliance or out of compliance with respect to each of the core requirements.

**(2) REPORTING** The Administrator shall—

**(A)** issue an annual public report—

**(i)** describing any determination described in paragraph (1) made during the previous year, including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of any reduction imposed under subsection (c)); and

**(ii)** for any such determination that a State is out of compliance with any of the core requirements, describing the basis for the determination; and

**(B)** make the report described in subparagraph (A) available on a publicly available website.

**(3) DETERMINATIONS REQUIRED** The Administrator may not—

**(A)** determine that a State is “not out of compliance”, or issue any other determination not described in paragraph (1), with respect to any core requirement; or

**(B)** otherwise fail to make the compliance determinations required under paragraph (1).